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Attorneys for Defendant JJ and W Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICK FUTIA,

Plaintiff,

V.

JJ AND W COMPANY,

Defendant.

) CASE NO. C 07 4360 HRL

**STIPULATION AND ORDER TO
EXTEND TIME FOR (1) FILING
RESPONSE TO COMPLAINT BY
DEFENDANT (2) TIME IN WHICH
TO COMPLETE INITIAL
DISCLOSURES AND (3) LAST DAY
FOR PLAINTIFF TO FILE NOTICE
OF NEED FOR MEDIATION**

Action Filed:

August 23, 2007

Not set

TO THE COURT AND ALL PARTIES APPEARING ON RECORD:

Plaintiff RICK FUTIA ("Plaintiff") and Defendant JJ AND W COMPANY ("Defendant"), by and through their respective attorneys of record do hereby stipulate and agree to the following amendments to the Case Schedule in the above matter:

(1) The time for Defendant to respond to Plaintiff's complaint shall be extended up to, and including **May 30, 2008**.

(2) The last day for the parties to complete initial disclosures, including defendant's disclosures re: construction or alteration history of subject premises shall be

Mar-17-2008 02:37pm To-19256791729

From-LEWIS BRISBOIS BISGAARD & SMITH LLP T-301 P.004/005 F-455

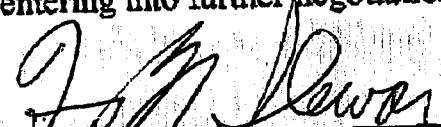
1 extended up to, and including 10 days after either party files a notice of need for
2 mediation.

3 (3) The last day for plaintiff to file notice of need for mediation shall be extended
4 up to, and including May 30, 2008.

5 These extensions of time are in no way intended to delay disposition of this action.

6 The parties attended the site inspection of the subject premises on November 20,
7 2007. Unfortunately, Plaintiff's expert, Kim Blackseth, has been hospitalized for
8 much of the last three months with the result that he has been unable to produce his
9 report of the site inspection. However, Mr. Blackseth is now out of the hospital
10 and back to work, and should be able to produce his report in the forthcoming
11 weeks. The parties are working toward amicably resolving this matter and hope to
12 achieve resolution on or before May 30, 2008. The extensions of time agreed to are
13 required to allow the expert to produce a report of the site inspection and for the
14 parties to evaluate that report, before entering into further negotiations.

15
16 DATED: March 17 2008


Thomas N. Stewart, III
Attorney for Plaintiff RICK FUTIA

17
18 DATED: March 17 2008


LEWIS BRISBOIS BISGAARD & SMITH LLP
By: Charles O. Thompson
Attorney for Defendant JJ and W Company

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ORDER

Based upon the foregoing Stipulation:

IT IS HEREBY ORDERED that the parties shall have through and including the dates listed above in which to file a Response to Plaintiff's Complaint, complete initial disclosures and file notice of need for mediation in the above referenced matter.

DATED: , 2008

**Honorable Howard R. Lloyd
Magistrate Judge**

1 **PROOF OF SERVICE**

2 Futia v. JJ and W Company

3 U.S. District Court, Northern District Case No. C07 4360 HRL

4 STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

5 At the time of service, I was over 18 years of age and not a party to the action. My
6 business address is One Sansome Street, Suite 1400, San Francisco, California 94104.

7 On March 18, 2008, I served the following document(s):

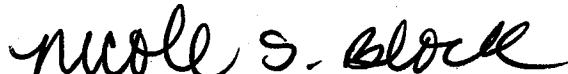
8 **STIPULATION AND ORDER TO EXTEND TIME FOR (1) FILING RESPONSE TO
9 COMPLAINT BY DEFENDANT (2) TIME IN WHICH TO COMPLETE INITIAL
10 DISCLOSURES AND (3) LAST DAY FOR PLAINTIFF TO FILE NOTICE OF NEED
11 FOR MEDIATION**12 I served the documents on the following persons at the following addresses (including fax
13 numbers and e-mail addresses, if applicable):14 Thomas N. Stewart, III
15 369 Blue Oak Lane, 2nd Floor
16 Clayton, California 9451717 Telephone: 925-672-8452
18 Facsimile: 925-673-1729
19 e-mail- T_STEW_3@Yahoo.com
20 *Attorney for Plaintiff*

21 The documents were served by the following means:

- 22 X (Via E-File) by causing such document(s) to be served electronically pursuant to the U.S.
-
- 23 District Court's Electronic Case Filing Program to be delivered electronically to those
-
- 24 parties who are registered as e-filers.

25 I declare under penalty of perjury under the laws of the State of California that the above is
26 true and correct.

27 Executed on March 18, 2008, at San Francisco, California.

28 
29 NICOLE S. BLOCK